

Message Text

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ACTION IO-13

INFO OCT-01 ISO-00 AF-08 ARA-06 EA-07 EUR-12 NEA-10

IOE-00 ACDA-07 CIAE-00 DODE-00 PM-04 INR-07 L-03

NSAE-00 NASA-01 NSC-05 ERDA-05 OES-06 CCO-00

OTPE-00 EB-08 FCC-01 OC-06 USIA-06 COME-00 BIB-01

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FM USMISSION USUN NEW YORK

TO SECSTATE WASHDC PRIORITY 2823

C O N F I D E N T I A L USUN 0810

E.O. 11652: GDS

TAGS: TSPA, UN, AORG

SUBJECT: OUTER SPACE LEGAL SUBCOMMITTEE: DBS CONSULTATIONS

1. USDEL CONTINUED INFORMAL DBS CONSULTATIONS MARCH 17 WITH VIEW TO ASCERTAINING CURRENT PROSPECTS FOR CONSENSUS RESOLUTION OF PRIOR CONSENT ISSUE. HIGHLIGHTS OF DISCUSSIONS WITH AUSTRIAN, UK, CANADIAN, BELGIAN AND FRG DELS FOLLOWS.

2. HOLZER (AUSTRIA) SAID DEL DOES NOT YET HAVE DEFINITIVE POSITION ON DBS OR REMOTE SENSING, BUT INSTRUCTIONS EXPECTED FROM VIENNA SHORTLY. FOUND UK STATEMENT IN GENERAL DEBATE MARCH 17 (REPORTED SEPTTEL) VERY EDUCATIONAL AND VIEWED UK POSITION SYMPATHETICALLY, PROMISED TO CONSULT USDEL WHEN POSITION FORMULATED.

3. DALTON (UK) REPORTED THAT CANADIAN AND SWEDISH DELS APPARENTLY CONTINUE TO INSIST ON FORMULATING A PRINCIPLE WHICH WOULD PROVIDE PROTECTION AGAINST UNWANTED BROADCASTS, DESPITE UK ARGUMENT THAT LATEST ITU DECISION NOW AFFORD SUCH PROTECTION. ACCORDING TO DALTON, SWEDES ARGUE NORDSAT DEVELOPMENTS REQUIRE LEGAL INSTRUMENT TO RESOLVE DISAGREEMENT ON REGIONAL BROADCASTING PROCEDURES. DELOFF POINTED
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OUT THAT IT IS UNREASONABLE TO SEEK UNIVERSAL PRINCIPLE SIMPLY TO SETTLE REGIONAL DISPUTES WHICH ARE UNIQUE IN SOME RESPECTS. DALTON AGREED AND PROMISED TO PURSUE MATTER WITH SWEDISH AND CANADIAN DELS.

4. CANADIAN REP (WANG) PROVIDED COPY CANADIAN/SWEDISH PROPOSAL PREVIOUSLY REPORTED (REFTTEL USUN 791). QUERIED

ABOUT NECESSITY FOR PROPOSAL IN LIGHT OF WARC RESULTS, HE SAID PROVISION NEEDED TO COVER NORDSAT AND ISLAMIC PLANNED REGIONAL DBS SYSTEMS IN ORDER TO ASSURE THAT CONCERNED STATES AGREE ON MATTER NOT COVERED BY TECHNICAL REGULATIONS (E.G., COMMERCIAL ARRANGEMENTS, ADVERTISING, NATURE OF PROGRAMS). HE ASSURED CANADIAN GOVT STILL COMMITTED TO PRINCIPLE OF FREE FLOW OF INFORMATION AND THAT PROPOSAL IS NOT INTENDED TO INCLUDE PRIOR CONSENT TO PROGRAMMING. WANG AGREED USSR WOULD PROBABLY VIEW THAT PROVISION AS GIVING LEGAL STATUS TO PRIOR CONSENT REGIME INCLUDING PROGRAM CONTENT, BUT SAID LANGUAGE PURPOSELY LEFT AMBIGUOUS SO THAT STATE COULD INTERPRET AND EXPLAIN PRINCIPLE IN THE WAY THEY DESIRE, THIS PROVIDING BASIS FOR COMPROMISE AND FINAL DBS AGREEMENT THIS SESSION. WANG SAID CANADIAN DELEGATION WOULD BE INTERESTED IN U.S. VIEWS AND INTENDED DBS POSITION. WANG ALSO ADVISED WOULD RETURN TO OTTAWA WEDNESDAY AND WOULD LIKE TO MEET WITH USDEL TUESDAY TO DISCUSS MATTER FURTHER. WANG ALSO WILL REAPPEAR FOR DBS AGENDA ITEM ON 28 MARCH.

5. DELROT (BELGIUM) REFERRED US TO HIS PROPOSAL IN GENERAL DEBATE YESTERDAY FOR A DBS PRINCIPLE REQUIRING STATES TO PROMOTE THE RECEPTION OF IDEAS FROM ABROAD TO THE EXTENT COMPATIBLE WITH NATIONAL SECURITY AND PUBLIC ORDER. HE EXPLAINED IT WAS INTENDED ONLY AS ITEM FOR CONSIDERATION TO WHICH LSC COULD RETURN IF OTHER SOLUTIONS FAIL TO MATERIALIZE. NOTING ROLE OF ESA ADVISORY GROUP AND COUNCIL OF EUROPE COMMITTEE OF MASS MEDIA EXPERTS, HE SAID HE WAS REQUIRED TO CONSULT FULLY WITH EC-9 AND CONFIDENTIAL

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CANADA ON DBS; GIVEN SCANDINAVIAN DISAGREEMENTS AND PROBABLE FRENCH SUPPORT FOR PRIOR CONSENT, HE COULD NOT NOW EXPECT A CONSENSUS TO EMERGE FROM THAT GROUP. HE DISPLAYED REASONABLY SOUND UNDERSTANDING OF PRACTICAL AND TECHNICAL LIMITATIONS IMPOSED BY WARC DECISION ON UNAUTHORIZED INTERNATIONAL DBS, AND SUGGESTED THAT IN ALL LIKELIHOOD SOME OTHER DELS MAY NOT FULLY UNDERSTAND THE IMPLICATIONS OF THOSE LIMITATIONS.

6. FRG MISOFF RUDOLPH PASSED US ADVANCE COPY FRG GENERAL STATEMENT (POUCHED L/UNA-STOWE), WHICH FIRMLY SUPPORTS FREE FLOW OF INFORMATION PRINCIPLE AND DISTINGUISHES ITS POLITICAL NATURE FROM QUESTIONS OF TECHNICAL IMPLEMENTATION. HE CONFIRMED OUR OBSERVATION THAT STATEMENT SOFTENS PREVIOUS FRG POSITION, LEAVING OPEN SOME FORM OF TECHNICAL FIX PENDING CONSULTATIONS WITH U.S. AND EUROPEAN ALLIES. REMAINDER FRG DEL (INCLUDING KRAUSE AND KONERICH) ARRIVING MARCH 21.
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Sent Date: 18-Mar-1977 12:00:00 am
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Decaption Note:
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Disposition Approved on Date:
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Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
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TAGS: TSPA, AORG, UN
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